



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,957	04/25/2001	Isao Kawashima	450100-03176	6050

20999 7590 06/06/2006

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

PESIN, BORIS M

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/841,957		KAWASHIMA ET AL.	
	Examiner		Art Unit	
	Boris Pesin		2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8, 32, 35, and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 32, 35 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This communication is responsive to the amendment filed 11/22/2005.

Claims 1-4, 6-8, 32, 35, and 41 are pending in this application. Claims 1, 32, 35, and 41 are independent claims. In the amendment filed 11/22/2005, claims 1, 32, 35, and 41 were amended. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 32 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The amendment introduces "determining said selection of content information as a function of a majority decision weighted with said priority value of said cursors." However, since the claim recites one or more cursors, it is unclear how you can have a majority decision weighted with said priority value of said cursors.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-20, 24-27, 30, 32, 33, 35, 39 and 41-43 rejected under 35 U.S.C. 103(a) as being unpatentable over Perälä (US 5917472) in view of Kirk et al. (US 6175842).

In regards to claim 1, Perälä teaches a display control apparatus for controlling display of information comprising: display control means for displaying linking information, that is linked to content information (Column 4, Line 31), and displaying a plurality of cursors operating on one or more display devices (Column 4, Line 34-42); wherein each cursor has a predetermined priority value which can be varied at a subsequent use ("With regard to the transfer of control, there are a number of possibilities of when this can be achieved. For example, the Host User mouse may get control immediately it is moved, whereas the Guest User mouse may get control either after the Host User mouse has not been used for a specified time (time delay) or when

the Host User has transferred control to the Guest User, for example by a hot key or selecting a specific icon or menu item on the display.” Column 3, Line 41). Perälä does not teach an apparatus comprising selecting means for selecting at least a portion of said content information as a function of a corresponding designation by at least two of said plurality of cursors wherein said selection of content information is determined by a majority decision weighted with said priority value of said cursors; an acquisition means for acquiring said selected content information as a function of the at least two cursor. Kirk teaches, “*Yet another advantageous group feature of the present invention is that group followers can collaboratively decide where to proceed next (which hypertext file to request next) by voting. A follower or the leader proposes a list of next hypertext files or links to select, and each follower votes on which to select. In one embodiment, each follower selects a single file or link.*” Column 11, Line 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to Modify Perälä with the teachings of Kirk and include a method of selection and decision making based on multiple responses with the motivation to provide the users with a convenient method of deciding what subsequent actions should be taken.

As per claim 2, which is dependent on claim 1, Perälä teaches that the display control means displays said selected content information on said display device (column 2, lines 33-57, *i.e. – clicking on information to acquire information*).

As per claim 3, which is dependent on claim 1, Perälä teaches operation means adapted to generate operation signals to operate each of the plurality of cursors (column 1-2, lines 63-5), wherein said display control means displays, on said display

Art Unit: 2174

device, each of the plurality of cursors, as a function of said operation signals (column 2, lines 33-57).

As per claim 4, which is dependent on claim 1, Perälä teaches that the display control means is adapted to uniquely display each of said plurality of cursors (column 2, lines 45-48).

As per claim 6, which is dependent on claim 1, Perälä does not teach a display controller apparatus wherein said linking information is described using a language for a predetermined image. Kirk teaches, "*Yet another advantageous group feature of the present invention is that group followers can collaboratively decide where to proceed next (which hypertext file to request next) by voting. A follower or the leader proposes a list of next hypertext files or links to select, and each follower votes on which to select. In one embodiment, each follower selects a single file or link.*" Column 11, Line 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to Modify Perälä with the teachings of Kirk and include a method of decision making based on multiple responses with the motivation to provide the users with a convenient method of deciding what subsequent actions should be taken.

As per claim 7, which is dependent on claim 1, Perälä teaches that the acquisition means acquires additional information from a network (column 4, lines 31-33, *i.e. – a network application acquires remote information*).

As per claim 8, which is dependent on claim 1, Perälä teaches that the acquisition means is a browser (column 4, lines 31-33, *i.e. – a browser is a network application*).

Claims 32 and 35 are similar in scope to claim 1 and are therefore rejected under similar rationale.

Claim 41 is similar in scope to claim 1, and is therefore rejected under similar rationale.

Claim 42 is similar in scope to claim 13, and is therefore rejected under similar rationale.

Claim 43 is similar in scope to claim 24, and is therefore rejected under similar rationale.

Response to Arguments

Applicant's arguments filed 11/22/2005 have been fully considered but they are not persuasive.

The Applicant argues that Perälä and Kirk do not teach the limitation "determining said selection of content information as a function of a majority decision weighted with said priority value of said cursors." The Examiner disagrees. Kirk teaches, "*Yet another advantageous group feature of the present invention is that group followers can collaboratively decide where to proceed next (which hypertext file to request next) by voting. A follower or the leader proposes a list of next hypertext files or links to select, and each follower votes on which to select. In one embodiment, each follower selects a single file or link.*" Column 11, Line 14). Since inherently in Kirk all the

Art Unit: 2174

users have the same priority, the selection of content is a function of a majority of users wherein everyone has the same voting rights (i.e. priority).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BP


KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2174